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Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington D.C. 20554

Re: WCB Docket Nos. 01-338, 04-313

Dear Ms. Dortch:

On December 7, 2004, the undersigned, together with Julia Strow of Cbeyond and Thomas Jones of Willkie, Farr and Gallagher, met with Commissioner Jonathan Adelstein and Scott Bergmann, Legal Advisor, regarding the above-referenced dockets. In the course of the presentation, the parties reiterated the ALTS position in support of nationwide unbundled access to loops and transport, as set out in prior written submissions in this docket. In particular, the parties emphasized that the Commission should (1) adopt a national impairment finding for DS1 loops or, if it feels compelled to adopt an impairment test for DS1 or DS3 loops, adopt an actual (not potential) competition impairment test; (2) ensure that eligibility criteria for UNEs apply only to the extent needed to ensure that UNEs are not used to provide services for which the Commission has reached a well-supported finding of non-impairment; (3) ensure that an impairment test for interoffice transport that considers both business access lines and so-called "unmatched" fiber collocators requires that the thresholds for both categories be met for a finding of non-impairment, and that the number of collocators be the same regardless of whether it applies to DS3, DS1, or dark fiber transport.

Respectfully submitted,

/s / Jason Oxman

Jason D. Oxman  
General Counsel  
ALTS